

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 03-10387-DPW
)
 EARL CHARLEY)

ASSENTED-TO MOTION
TO CONTINUE DATE FOR FILING MOTION TO SUPPRESS

Defendant, Earl Charley, hereby moves to continue the date for filing his motion to suppress from May 3, 2003 until June 3, 2003 and for reconsideration of an order in this case from Magistrate-Judge Collings directing that "No Further Enlargements Shall Be Granted." As grounds for this Motion, counsel states the following: (1) counsel requires some additional time to complete the motion, although it is substantially written at this time; (2) counsel requires additional time to conclude the preparation of the affidavits in support of the motion to suppress including an affidavit from an out of state expert; (3) counsel just completed a trial before Judge Tauro and counsel has a firm trial date of May 17, 2004 in a case before Judge Harrington anticipated to last one or possibly two weeks; (4) this is only Counsel's second continuance request; (5) counsel has a heavy load of cases and (5) the Government assents to this Motion.

The Motion to Suppress in this case is substantial and of utmost importance because the government believes Mr. Charley

faces at least a mandatory minimum sentence of fifteen years if he is convicted. The additional time would allow counsel to make a careful and complete presentation of the relevant arguments supporting the motion.

Originally, the Motion to Suppress was due on March 31, 2004. Counsel failed to either meet that deadline or seek an enlargement of that time prior to March 31st.¹ Counsel acknowledges responsibility for that error. At the final status conference on April 2, 2004, counsel orally moved for an enlargement of time, with the Government's assent. The Court, Magistrate-Judge Collings, allowed the motion, but stated that "No Further Enlargements Shall Be Granted."

Counsel requests that the Court reconsider the No Enlargement Order and allow counsel the additional time requested. Defendant requests the exclusion of the time from the

¹ For the Court's information, counsel was proceeding with the preparation and writing of the motion in March and April including a viewing of the government's evidence by the retained out of state expert in mid to late March.

Speedy Trial Act as in the interests of justice.

AUSA Chris Bator has indicated his assent to this motion.

EARL CHARLEY
By his attorney,

/s/ Leo Sorokin

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CERTIFICATE OF SERVICE

I, Leo Sorokin, certify that a true copy of this document was served on Assistant U.S. Attorney Chris Bator by delivery on April 30, 2004.

Leo Sorokin